

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**TRI-MOTOR LLC,**

**Plaintiff/Counter Defendant,**

**v.**

**CIVIL NO. 11-497 JC/LFG**

**CITY OF ALBUQUERQUE,  
and MICHAEL R. MEDLEY,**

**Defendants.**

**CITY OF ALBUQUERQUE,**

**Counter Plaintiff.**

**ORDER SETTING SETTLEMENT CONFERENCE**

THIS MATTER comes before the Court on the parties' joint Designation of Magistrate [sic] Vidmar to Conduct Settlement Conference [Doc. 93]. To facilitate a final disposition of this case, a mandatory settlement conference will be conducted in accordance with Rule 16(a)(5) of the Federal Rules of Civil Procedure and D.N.M.LR-Civ. 73.4. The conference will be held on March 27, 2012 at 9:00 a.m. in the Pete V. Domenici United States Courthouse, ADR Suites 3 and 4, third floor, 333 Lomas Blvd., NW, Albuquerque, New Mexico.

The parties or a designated representative, other than counsel of record, with full authority to resolve the case, must attend in person. Counsel who will try the case must also attend in person.

At least fourteen calendar days prior to the date of the settlement conference, Plaintiff shall serve on Defendants a letter setting forth at least the following information: (a) a brief summary of

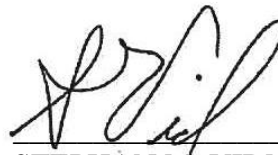
the evidence and legal principles that Plaintiff asserts will allow it to establish liability; (b) a brief explanation of why damages or other relief would appropriately be warranted; (c) an itemization of the principles supporting those damages; and (d) a settlement demand.

At least ten calendar days before the settlement conference, Defendants shall serve on Plaintiff a letter that sets forth at least the following information: (a) any points in Plaintiff's letter with which the defense agrees; (b) any points in Plaintiff's letter with which the defense disagrees, with references to supporting evidence and legal principles; and (c) a counteroffer. If a release is contemplated, defense counsel shall include a proposed form of release with his letter. Each of these letters typically should be five pages or fewer, and counsel will ensure that each party reads the opposing party's letter before the settlement conference. Plaintiff shall provide copies of these letters to the Court no later than seven calendar days before the conference.

No later than the close of business on Tuesday, March 20, 2012, each party must provide the Court, in confidence, a concise position statement (typically no more than ten pages) containing an analysis of the strengths and weaknesses of its case. These position statements may be submitted to the Court by facsimile at **575-528-1485** or by e-mail at **VidmarChambers@nmcourt.fed.us**.

The settlement conference may not be vacated or rescheduled except upon motion for good cause shown. Any motion to vacate or reschedule the settlement conference shall provide the Court with sufficient notice to ensure that other matters may be scheduled in the time allotted for the settlement conference.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'S. Vidmar', is written over a horizontal line.

STEPHAN M. VIDMAR  
United States Magistrate Judge